

BILL ANALYSIS

C.S.H.B. 730
By: Bohac
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a divorce can be an emotional experience and contend that the better informed a person is during the process, the more prepared that person will be to make decisions that can lead to a more amicable divorce. However, the parties express concern that too many people are unaware of the options available in that process and often believe that there is only one way for a divorce to proceed. C.S.H.B. 730 seeks to address this issue by providing for a disclosure by an attorney before accepting representation of a client in a suit for the dissolution of marriage.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 730 amends the Family Code to require the State Bar of Texas to adopt, not later than January 1, 2018, a disclosure form for use in a suit for the dissolution of marriage that includes information about arbitration, mediation, collaborative law, and alternatives to retaining an attorney for the dissolution of a marriage, and any other information the state bar requires. The bill prohibits an attorney from agreeing to represent a client in such a suit unless the attorney provides the disclosure to the client. The bill applies to the representation of a client that begins on or after March 1, 2018.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 730 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter E, Chapter 6,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 6,

Family Code, is amended by adding Section 6.412 to read as follows:

Sec. 6.412. DISCLOSURE REQUIRED.

(a) An attorney may not agree to represent a client in a suit for dissolution of a marriage unless:

(1) the attorney provides the disclosure described by Subsection (b) to the client;

and

(2) the client acknowledges in writing that the client has received and understands the disclosure.

(b) The State Bar of Texas shall adopt the disclosure form required under this section.

The disclosure must include:

(1) information about arbitration, mediation, collaborative law, and alternatives to retaining an attorney for the dissolution of a marriage; and

(2) any other information the state bar requires.

SECTION 2. (a) The State Bar of Texas shall adopt the disclosure form required by Section 6.412, Family Code, as added by this Act, not later than January 1, 2018.

(b) Section 6.412, Family Code, as added by this Act, applies to the representation of a client that begins on or after March 1, 2018.

SECTION 3. This Act takes effect September 1, 2017.

Family Code, is amended by adding Section 6.412 to read as follows:

Sec. 6.412. DISCLOSURE REQUIRED.

(a) An attorney may not agree to represent a client in a suit for dissolution of a marriage unless the attorney provides the disclosure described by Subsection (b) to the client.

(b) The State Bar of Texas shall adopt the disclosure form required under this section.

The disclosure must include:

(1) information about arbitration, mediation, collaborative law, and alternatives to retaining an attorney for the dissolution of a marriage; and

(2) any other information the state bar requires.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.